



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 1, 2018

BY ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Andreea Dumitru, S1 18 Cr. 243 (LAK)*

Dear Judge Kaplan:

In light of recent coverage in the national and local media relating to immigration issues, the Government writes, in advance of trial in this matter, to request that the Court preclude the defendant from referencing in any way—in jury addresses, through cross-examination, or in her case-in-chief—the current public discourse on immigration policy, recent developments or policy changes with respect to immigration, or any political events (including campaigns and elections) related to immigration policy or reform.

This case concerns the defendant's submission of a high volume of applications for asylum in the course of her law practice. The jury will be tasked with determining whether the defendant knowingly submitted asylum applications containing materially false statements. The current public discourse on immigration policy, recent developments or policy changes with respect to immigration, and political events—including well-publicized recent events relating to border security and asylum seekers, and officials' reactions to those events—are wholly irrelevant to the issues this jury will be asked to decide. *See Fed. R. Evid. 401, 402.* Thus, any arguments, cross-examination, or testimony relating to these topics and events only would serve to inflame the jury and distract them from their fact-finding function. *See Fed. R. Evid. 403.*

Accordingly, the Government respectfully requests that the Court preclude the defense from making arguments to the jury that touch on the above-referenced topics. The Government has conferred with defense counsel, who have indicated that they will not agree to avoid referencing such matters during the trial.

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Respectfully submitted,

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